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2 United States Attorney
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5 Assistant United States Attorneys
6 JONATHAN OPHARDT
7 Trial Attorney

UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,
8 Plaintiff,

GOVERNMENT'S OMNIBUS REQUEST FOR
PRETRIAL CONFERENCE

9 v.

10 DEFENDANT [1], *et al.*,

Case No. 2:12-cr-00004-APG-GWF

11 Defendants.

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.

15 BUTT, *et al.*,

Case No. 2:12-cr-00083-APG-GWF

16 Defendants.

17 UNITED STATES OF AMERICA,
18 Plaintiff,

19 v.

20 LAMB, *et al.*,

Case No. 2:12-cr-00084-APG-GWF

21 Defendants.

22 UNITED STATES OF AMERICA,
23 Plaintiff,

24 v.

25 SAN CLEMENTE, *et al.*,

Case No. 2:13-cr-00120-APG-GWF

26 Defendants.

1 COMES now Plaintiff, United States of America, by and through DANIEL G. BOGDEN,
2 United States Attorney, Kimberly M. Frayn and Andrew W. Duncan, Assistant United States
3 Attorneys, and Jonathan A. Ophardt, Trial Attorney for the United States Department of Justice,
4 Organized Crime and Gang Section, and hereby moves for a joint Pretrial Conference before the
5 Honorable Judge Gordon pursuant to Local Rule 16-2 of the Local Rules of Practice for the
6 United States District Court for the District of Nevada.

7
8 All four cases captioned above are currently set for trial on November 18, 2013, with a
9 calendar calls set for November 13, 2013. Although the cases are related, they have not been
10 formally joined.

11
12 On September 17, 2013, Magistrate Judge George Foley, Jr. conducted a discovery status
13 hearing for all four cases. At that hearing, the Government advised the Court that it would be
14 prepared to proceed to trial on November 18, 2013. Also at the September 17, 2013 hearing,
15 multiple defendants voiced objections to any further continuances in this matter. However, other
16 defendants voiced an inability to proceed with the current trial date due to the voluminous
17 discovery in this case. Because trial continuances are not discovery matters, Magistrate Judge
18 Foley directed the defendants wishing a continuance to file a motion requesting one. However,
19 to date, no request for a continuance has been filed by any defendant. No additional discovery
20 status conference is scheduled at this time.

21
22 The Government submitted final plea offers to the defendants in late August. The
23 Government has received requests for formal plea agreements from some defendants, and has
24 begun to disseminate them to the requesting defense counsel. The remaining agreements are in
25 the final stages of drafting, and will be disseminated as soon as possible.

26
27 The Government is aware that space constraints limit the number of defendants who may
28

1 be tried at one trial setting. Further, the Second and Third Discovery Phases of this Court's
2 Complex Case Schedules proceed based on the trial date. Due to recent violations of this
3 Court's Protective Order, which resulted in an article in Wired magazine which contained
4 protected materials and which is now the subject of an on-going FBI investigation, the
5 Government will only disclose Jenks Act and Giglio information to those defendants who will
6 actually stand trial on November 18, 2013. Finally, the Government must begin to subpoena and
7 make travel arrangements for trial witnesses and prepare trial exhibits. Although these cases are
8 related, the list of required witnesses and exhibits are greatly dependent on which defendants will
9 be standing trial.

10
11 For the above reasons, the Government moves that the District Court hold a pretrial
12 conference as soon as possible to ascertain which defendants will proceed to trial on
13 November 18, 2013.

14
15 DANIEL G. BOGDEN,
16 United States Attorney

17
18 DATE October 9, 2013 /s/ Kimberly M. Frayn
19 KIMBERLY M. FRAYN
20 ANDREW W. DUNCAN
21 Assistant United States Attorneys
22 JONATHAN A. OPHARDT
23 Trial Attorney
24 Department of Justice
25 Organized Crime and Gang Section

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27
28 Certificate of Service

The undersigned counsel hereby certified that she served a copy of this
document on defense counsel, via electronic service through the PACER system on
October 9, 2013.

/s/ Kimberly M. Frayn
Assistant United States Attorney